

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for indicating that claim 1 is allowable and for indicating that claim 5 contains allowable subject matter.

Disposition of Claims

Claims 1-6 are pending in this application. Claims 1 and 2 are independent. The remaining claims depend, directly or indirectly, upon claim 2. Claim 5 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.* As discussed below, the base claim 2 is believed allowable. Thus, rewriting claim 5 in independent form is deferred at this time.

Rejection(s) under 35 U.S.C. § 102

Claims 2 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,398,808 issued to Chen *et al.* ("Chen"). For the reasons set forth below, this rejection is respectfully traversed.

One or more embodiments of the present invention are directed to a corrugated cardboard packing member for packing a first article and a second article. As seen with respect to Figures 1-4 of the Specification, a corrugated cardboard packing member 20 in accordance with one or more embodiments of the invention has folding portions 23 which are formed by folding back the above remaining area in order to form openings 25 downward. Folding portions 23, as seen

* On page 4 of the Action, the Examiner notes reference of a rejection of claim 5 under 35 U.S.C. 112, 2nd paragraph. However, from the context of the Action, it is assumed this is a typographical error.

from Figures 1 and 4, are arranged between the opposite sides of the pair of styrofoam members 110. Spacer portions 22 are arranged in a gap between an upper surface of a pair of holding members and an inner surface of a corrugated cardboard box (*see* publication of the Specification, paragraph [0036]).

In the above embodiments, the pair of styroform members 110 are configured to support (two sides of) product 150 (*see* publication of the Specification, paragraph [0040]). Further, folding portions 23 are formed to project downward from the bottom housing portion so as to prevent product 150 from falling from the pair of styroform members 110 due to the movement of the end of one of the Styrofoam members 110 toward the opposite Styrofoam member (*see* publication of the Specification, paragraph [0039]).

Accordingly, independent claim 2 requires (1) *“a pair of holding members for holding a first article* arranged within a corrugated card box,” (2) *“an opening formed by cutting a predetermined area from the bottom housing portion and folding the predetermined area downward, forming a folding portion,”* and *“wherein the folding portion is arranged between the pair of holding members.”*

Chen, in contrast, does not disclose or suggest at least the above limitations of the claimed invention. Specifically, the Examiner asserts that the second opening 216 of Chen is equivalent to the limitation of claim 2: “wherein a folding portion is arranged between the pair of holding members.” However, the holding members as recited in claim 2 are arranged as a pair for holding a first article. In contrast, the second opening 216 of Chen, in which the folding portion is arranged, is *not capable* of holding an article. Due to this difference in configuration, the second opening 216 of Chen is not equivalent and, in fact, is clearly distinguished from the holding members of the claimed invention.

Chen, therefore, fails to disclose or suggest *“a folding portion arranged between the pair of holding members for holding a first article arranged within a corrugated card box,”* as recited in claim 2.

Additionally, Chen does not teach, or provide any motivation to alter its teachings of to produce the claimed invention.

As discussed above, one or more embodiments of the present invention are directed to a corrugated cardboard packing member, and further, directed to a packing structure having excellent shock resistance by improving a shock absorbing. The present invention achieves this goal, at least in part, by arranging a folding portion between the pair of holding members, for holding a first article arranged within a corrugated card box.

According to the claimed structure, when shock in a horizontal direction is applied to the pair of holding members, the pushing force due to both folding portions and sides of an article will be applied to the opposite sides of the pair of holding members. This prevents the folding portion from pushing the opposite sides of the pair of holding members excessively. Thus, the pair of holding members can be prevented from being damaged due to excessive pushing of the opposite sides of the pair of holding members by the folding member. Accordingly, the held article can be prevented from falling from the pair of holding members even if the holding members have been damaged (*see* publication of the Specification, paragraph [0040]).

In contrast, folding members 216 in Chen are not arranged between the pair of holding members for holding an article, but instead are inserted in retaining slots 325 on one of supporting frames 3. Accordingly, the following members are tightly connected with supporting frames 3. Due to this structure, when shock in a horizontal direction is applied to the pair of holding members, supporting frames 3 are easily damaged. In fact, such a tight connection between folding members 216 and supporting frames 3 decreases flexibility of the structure

against shock in a horizontal direction. In other words, the packing structure in Chen actually teaches away from the claimed invention. Accordingly, there is no teaching or suggestion of including “*a folding portion arranged between the pair of holding members for holding a first article arranged within a corrugated card box*” as required by claim 2.

In view of the above, Chen fails to show or suggest the invention as recited in independent claim 2. Thus, independent claim 2 is patentable over Chen. Claim 6, directly or indirectly dependent upon claim 2, is also allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being obvious over Chen. As discussed above, Chen fails to show or suggest the invention as recited in claim 2. Thus, independent claim 2 is patentable over Chen. Claims 3 and 4, directly or indirectly dependent upon claim 2, are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/142001).

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Respectfully submitted,

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